

Message Text

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AMEMASSY PARIS

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C O N F I D E N T I A L USBERLIN 0227

E.O.11652: GDS

TAGS: PGOV, PFOR, WB, GE, GW

SUBJECT: GDR TOUGHENS POSITION ON SPANDAU

LOCK AGREEMENT

REFS: A) USBERLIN 0002, B) 74 USBERLIN 341

1. SUMMARY: GDR APPEARS TO BE RENEGING ON READINESS TO SIGN AGREEMENT FOR CONSTRUCTION OF SECOND LOCK ON SPANDAU CANAL UNLESS AGREEMENT IS RESTRUCTURED TO CONFORM MORE CLOSELY TO GDR THEORIES ON STATUS OF BERLIN WATERWAYS AND NATURE OF GDR-SENAT RELATIONSHIP. WE HAVE PROPOSED TO ALLIED MISSIONS THAT SENAT SHOULD BE TOLD TO HOLD FIRM TO TEXT THAT WAS AGREED AD REFERENDUM IN DECEMBER 1974 AND THEN PUT ON ICE WHEN GDR SET AS CONDITION PRECEDENT FOR SIGNING OPENING OF TALKS WITHSENAT ON TELTOW CANAL. END SUMMARY.

2. ADDRESSEES WILL RECALL THAT CONSTRUCTION OF A
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SECOND LOCK THAT WOULD PERMIT LARGER MORE MODERN

EUROPEAN BARGES TO USE SPANDAU CANAL IN WESTERN SECTORS HAS BEEN UNDER FITFUL NEGOTIATION BY REPRESENTATIVES OF SENATOR FOR BUILDING AND CONSTRUCTION AND GDR MINISTRY OF TRANSPORT SINCE 1969. PROGRESS ON AGREEMENT WAS ONE OF ITEMS LISTED BY GDR IN ITS OFFER TO FRG AND SENAT OF DECEMBER 9, 1974, AND NEGOTIATORS AGREED AD REFERENDUM ON TEXT DECEMBER 18, 1974. GDR SIDE INITIALLY INDICATED SIGNING COULD TAKE PLCE BY MID-JANUARY 1975 BUT LATER LET IT BE KNOWN THAT TELTOW NEGOTIATIONS WOULD HAVE TO START FIRST, PRESUMABLY BECAUSE IT HOPED THEREBY TO OVERCOME SENAT AND ALLIED RELUCTANCE TO ALLOW LATTER SUBJECT TO BE DEALT WITH BY OTHER THAN FRG NEGOTIATORS. SPANDAU LOCK AGREEMENT INCLUDED SEVEN PARAGRAPH SUBSTANTIVE TEXT THAT AVOIDED CONTENTIOUS LANGUAGE ON STATUS OF WATERWAYS IN WESTERN SECTORS. FORMAT WAS VIRTUALLY IDENTICAL WITH MODEL USED FOR SUEDEGELÄNDE AGREEMENT WITH REICHSBAHN IN FEBRUARY 1974 (REF B). AGREEMENT WAS DESCRIBED AS BEING CONCLUDED BETWEEN "REGIERUNGS-DIREKTOR DR. MELSHEIMER AND HAUPTVERWALTUNGSLEITER KEUL" ON THE AUTHORIZATION OF THEIR AUTHORITIES. NEITHER NAME OF GDR NOR OF MINISTRY OF TRANSPORT APPEARED IN TEXT OF AGREEMENT, AND SIGNATURE BLOCK SAID MERELY "FOR THE AUTHORIZING AUTHORITIES, DR. MELSHEIMER, REGIERUNGS-DIREKTOR," AND "KEUL, HAUPTVERWALTUNGSLEITER". COMPROMISE ALSO INCLUDED TWO LETTERS THAT WOULD HAVE MADE BOW TO GDR POSITION. FIRST LETTER WAS TO BE INVITATION TO THE SIGNATURE CEREMONY FROM KEUL, WHICH WOULD GIVE HIS TITLE AS CHIEF OF THE "HAUPTVERWALTUNG DER WASSERSTRASSEN UND DER BINNENSCHIFFFAHRT DER DDR," REFER TO DEPUTY MINISTER OF TRANSPORT'S ORIGINAL PROPOSAL FOR TALKS IN 1969 AND BE ON MINISTRY STATIONERY. SECOND LETTER WOULD BE ACCEPTANCE TO SIGNATURE CEREMONY FROM DEPUTY TO SENATOR THAT WOULD BE ADDRESSED TO KEUL AS CHIEF OF THE HAUPTVERWALTUNG DER WASSERSTASSE UND DER BINNENSCHIFFFAHRT" IN THE MINISTRY. FOLLOWING SUEDEGELÄNDE MODEL, ALLIES AUTHORIZED SENAT TO SIGN ON THIS BASIS IN BK/L(74)46

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OF DECEMBER 19, 1974. SENAT WAS TO MAKE ORAL STATEMENT RESERVING LEGAL POSITION.

3. AS NOTED REF A, SENAT ASKED IF GDR WAS READY TO SIGN SPANDAU LOCK AGREEMENT AT FIRST MEETING ON TELTOW CANAL DECEMBER 22, 1975. GDR SIDE PROMISED QUICK ANSWER. GDR CONVENED MEETING IN MINISTRY OF TRANSPORT JANUARY 30 WHICH WAS CHAIRED BY TRANSPORT

OFFICIAL AND ATTENDED BY TWO GDR FOREIGN OFFICE REPRESENTATIVES. GDR REP CONFIRMD THAT GDR HAD NO DIFFICULTY WITH SUBSTANCE OF AGREEMENT BUT THAT INTRODUCTORY FORMULA AND SIGNATURE BLOCK WOULD HAVE TO BE MODIFIED. GDR SUGGESTION WAS THAT TEXT SHOULD BE TITLED "AGREEMENT BETWEEN THE MINISTRY OF TRANSPORT OF THE GERMAN DEMOCRATIC REPUBLIC AND THE SENATOR FOR BUILDING AND CONSTRUCTION OVER THE NEW CONSTRUCTION OF A LOCK FOR THE SPANDAU LOCK IN BERLIN (WEST)." GDR ALSO PROPOSED THAT SIGNATURE BLOCKS READ "FOR THE MINISTRY OF TRANSPORT OF THE GERMAN DEMOCRATIC REPUBLIC" AND "FOR THE SENATOR FOR BUILDING AND CONSTRUCTION" RESPECTIVELY. LETTERS WOULD THEN BE DROPPED.

4. SENAT NEGOTIATOR SAID HE HAD NO AUTHORITY TO DISCUSS SUCH CHANGES AND WAS DISAPPOINTED THAT GDR HAD PROPOSED TO REOPEN ALREADY AGREED MATTERS. MINISTRY OF TRANSPORT REP GAVE AS ONLY EXPLANATION THAT "IN THE MEANTIME THERE HAVE BEEN NEW DEVELOPMENTS THAT MUST BE TAKEN INTO ACCOUNT."

5. COMMENT: GDR POSITION IS STEP BACKWARDS, SPANDAU AGREEMENT AS WORKED OUT BY DECEMBER 1974 CONTAINED SUBSTANTIAL CONCESSIONS TO GDR INCLUDING RENUNCIATION OF REFERENCE TO "WESTERN SECTORS OF BERLIN" AND RATHER EXPLICIT INCLUSION OF MINISTRY OF TRANSPORT IN LETTERS ALTHOUGH, AS WITH REICHSBAHN AND RAILWAYS IN WESTERN SECTORS, ALLIES CONSIDER THAT WASSERSTRASSENHAUPTAMT IN EAST BERLIN PERFORMS ONLY TECHNICAL OPERATING SERVICES ON WEST BERLIN WATERWAYS AND THAT MINISTRY OF TRANSPORT AND GDR AS SUCH LACK COMPETENCE. STATUS ELEMENTS OF DRAFT SPANDAU LOCK
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AGREEMENT WERE WORKED OUT ON COMPROMISE MODEL USED EARLY IN 1974 FOR CONSTRUCTION ON RAILROAD PROPERTY AT SUEDEGELÄNDE. GDR EFFORT TO UPSET THIS RECENT COMPROMISE AND PUSH FOR A MORE FORMAL, HIGHER LEVEL AGREEMENT BETWEEN SENAT AND MINISTRY SUGGESTS A NEW AGGRESSIVENESS ABOUT ASSERTING GDR VIEWS ON STATUS OF WATERWAYS (AND PERHAPS BY IMPLICATION RAILWAYS) AND ON REACHING POLITICAL LEVEL AGREEMENTS WITH SENAT CONSISTENT WITH THIRD STATE THEORY. WE WOULD INTERPRET GDR REP'S COMMENT ABOUT "NEW DEVELOPMENTS" TO BE OBLIQUE REFERENCE BOTH TO DECEMBER 1975 INNER-GERMAN PACKAGE AGREEMENT AND ARTICLE 7 OF GDR SOVIET TREATY WHICH APPEARED TO HERALD MORE DETERMINED EASTERN CAMPAIGN TO CONCLUDE SEPARATE AGREEMENTS WITH SENAT. WERE ALLIES TO

AUTHORIZE SENAT TO THROW OVER SUEDEGELAENDE COMPROMISE
WORKED OUT JUST TWO YEARS AGO, IT WOULD BE CLEAR
BENCHMARK IN GDR EFFORT TO ADVANCE ITS STATUS
CLAIMS WITH RESPECT BOTH TO WATERWAYS ISSUE AND TO
LARGER ISSUE OF SENAT COMPETENCE TO CONCLUDE OTHER
THAN PURELY TECHNICAL AGREEMENTS WITH GDR OF SORT
ENVISAGED BY ALLIES WHEN THEY ISSUED BK/L(73)46 .
WE ARE ACCORDINGLY RECOMMENDING TO ALLIED
MISSIONS THAT SENAT BE ADVISED TO TELL GDR IT CANNOT
ACCEPT NEW PROPOSAL AND THEN SIT BACK TO SEE HOW
HARD GDR INTENDS TO PUSH IT.

6. WE PROCEED IN ALL THIS FORM FROM ASSUMPTION THAT EARLY
CONCLUSION OF NEGOTIATION IS DESIRABLE BUT NO ES-
SENTIAL, PARTICULARLY AS LONG AS REOPENING OF TOLTOW
CANAL, WHICH IS LINKED TO NEW LOCK IN SENAT'S PLANS
FOR DEVELOPMENT OF WATERWAYS, IS NOT RESOLVED.
ACTING CHIEF OF SENAT CHANCELLERY CONFIRMED TO SENAT
LIAISON OFFICERS FEBRUARY 3 THAT SENAT ALSO REGARDS
NEW GDR PROPOSAL AS UNACCEPTABLE AND IS PREPARED TO
ADOPT TAKE IT OR LEAVE IT ATTITUDE ON EARLIER TEXT
AS AGREED AD REFERENDUM. SENAT BELIEVES THAT GDR
INTEREST IN GETTING NEW LOCK BUILT IS AS GREAT AS
ITS OWN SINCE IT WOULD FACILITATE TRANSIT OF LARGER
BARGES TO BOTH HALVES OF BERLIN. GEORGE

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